

BARBADOS 2022 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

Barbados is a parliamentary democracy led by Prime Minister Mia Mottley of the Barbados Labour Party. The Barbados Labour Party won all 30 parliamentary seats in the January general election. Observers considered the election free and fair. Until November 30, 2021, Queen Elizabeth II was the head of state and was represented by the governor general, who certified all legislation on her behalf. On the same date, the country became a republic with a nonexecutive president as the ceremonial head of state.

The Barbados Police Service is responsible for domestic law enforcement, including migration and border enforcement. The Police Service and all other law enforcement agencies report to the attorney general. The Barbados Defence Force protects national security and may be called upon to maintain public order in times of crisis, emergency, or other specific needs. Authority over the defense force is shared between the president and prime minister, with the president overseeing strategic direction and the prime minister responsible for operational leadership. The law provides that police may request defense force assistance with special joint patrols. Civilian authorities maintained effective control over the police and defense forces. There were no reports that the security forces committed serious abuses.

Significant human rights issues included a law criminalizing consensual same-sex sexual conduct between men, although authorities did not enforce the law.

The government had mechanisms in place to identify and punish officials who may commit human rights abuses or engage in corruption.

Section 1. Respect for the Integrity of the Person

a. Arbitrary Deprivation of Life and Other Unlawful or Politically Motivated Killings

There were no reports the government or its agents committed arbitrary or

unlawful killings.

b. Disappearance

There were no reports of disappearances by or on behalf of government authorities.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment, and Other Related Abuses

The constitution prohibits such practices, and there were no reports government officials employed them.

Prison and Detention Center Conditions

There were no significant reports regarding adult prison or detention center conditions that raised human rights concerns.

Abusive Physical Conditions: There were no major concerns regarding physical conditions or inmate abuse in adult prisons and detention centers.

Administration: Two agencies, the Office of the Ombudsman and the Prison Advisory Board, investigated credible allegations of mistreatment. The superintendent of prisons stated no mistreatment reports were submitted during the year.

Independent Monitoring: Human rights organizations may request access to monitor prison conditions; the superintendent of prisons reported that no visit requests were received during the year.

d. Arbitrary Arrest or Detention

The constitution prohibits arbitrary arrest and detention and provides for the right of any person to challenge the lawfulness of his or her arrest or detention in court. The government generally observed these requirements.

Arrest Procedures and Treatment of Detainees

The law authorizes police to arrest persons suspected of criminal activity; a warrant issued by a judge or justice of the peace is typically required. Authorities

may hold detainees without charge for up to five days, but once persons are charged, police must bring them before a court within 24 hours, or the next working day if the arrest occurred during the weekend. There is a functioning bail system. Criminal detainees receive prompt access to counsel and are advised of that right immediately after arrest. The law prohibits bail for those charged with murder, treason, or any gun-related offense that is punishable by imprisonment of 10 years or more.

Official procedures require police to question suspects and other persons only at a police station, except when expressly permitted by a senior divisional officer to do so elsewhere. An officer must visit detainees at least once every three hours to check on their condition. After a suspect has spent 48 hours in detention, authorities must submit a written report to notify the deputy police commissioner and the police commissioner that the suspect is still in custody.

Pretrial Detention: Lengthy pretrial detention was a problem. Legal authorities expressed concern regarding lengthy stays in pretrial detention. Civil society representatives and media reports indicated that delays of five to seven years before cases went to trial were common, and in extreme cases detainees could wait up to 10 years before trial. In August, media reported that a civil court awarded a man accused of murder \$100,000 Barbados dollars (\$50,000) and dismissed his case due to a 14-year delay in his case being heard. The court ruled this represented an infringement of his right to a trial within a reasonable time.

e. Denial of Fair Public Trial

The constitution provides for an independent judiciary, and the government generally respected judicial independence and impartiality.

Trial Procedures

The law provides for the right to a fair and public trial, and the judiciary generally enforced this right.

Lawyers, judges, and activists expressed concern regarding the overreliance of police on confessions to win convictions in cases.

Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies

Lower-level courts have both civil and criminal jurisdiction, but the civil judicial system experienced backlogs. Citizens primarily sought redress for human rights or other abuses through the civil court system, although human rights cases were sometimes decided in criminal court. Individuals and organizations may appeal domestic decisions to the Caribbean Court of Justice.

f. Arbitrary or Unlawful Interference with Privacy, Family, Home, or Correspondence

The constitution prohibits such actions, and there were no reports that the government failed to respect these prohibitions.

Section 2. Respect for Civil Liberties

a. Freedom of Expression, Including for Members of the Press and Other Media

The constitution provides for freedom of expression, including for members of the press and other media, and the government generally respected this right. An independent media, an effective judiciary, and a functioning democratic political system combined to promote freedom of expression, including for members of the media.

Libel/Slander Laws: Defamation is a criminal offense punishable by imprisonment. There were no reports of any defamation or libel cases initiated by government officials against media personnel.

Internet Freedom

The government did not restrict or disrupt access to the internet or censor online content, and there were no credible reports that the government monitored private online communications without appropriate legal authority.

b. Freedoms of Peaceful Assembly and Association

The constitution provides for freedoms of peaceful assembly and association, and the government generally respected these rights.

c. Freedom of Religion

See the Department of State's *International Religious Freedom Report* at <https://www.state.gov/religiousfreedomreport/>.

d. Freedom of Movement and the Right to Leave the Country

The law provides for freedom of internal movement, foreign travel, emigration, and repatriation, and the government generally respected these related rights. Married women must provide a copy of their marriage certificate when applying for a passport; married men are not required to provide this.

e. Protection of Refugees

Information on the government's cooperation with the UN High Commissioner for Refugees was unavailable.

Access to Asylum: The law does not provide for the granting of asylum or refugee status, and the government has not established a system for providing protection to refugees. The Immigration Department is responsible for considering refugee and asylum claims.

Section 3. Freedom to Participate in the Political Process

The constitution provides citizens the ability to choose their government in free and fair periodic elections held by secret ballot and based on universal and equal suffrage.

Elections and Political Participation

Recent Elections: The most recent general election occurred in January, when the Barbados Labour Party (BLP) won all 30 seats in Parliament's House of Assembly. The president appointed BLP leader Mia Mottley as prime minister, with the

support of the BLP members of the House of Assembly.

Political Parties and Political Participation: In April media reported that two teachers who contested the January general election faced disciplinary action. The teachers were accused of breaching a regulation that states public officers and employees are expressly forbidden from participating actively in politics, including running as a parliamentary candidate, or canvassing on behalf of any party or candidate for election to the House of Assembly. A former judge noted the regulation was too broad in its restrictions and contravened the teachers' constitutional right of freedoms of expression and association. In October media reported that one of the teachers would remain on half-pay leave and the other teacher would remain "suspended" with full pay until the end of the year. The disciplinary hearings against the teachers continued at year's end.

Participation of Women and Members of Minority Groups: No law limits participation of women or members of minority groups in the political process, and they did participate.

Section 4. Corruption and Lack of Transparency in Government

The law provides criminal penalties for corruption by officials, and the government generally implemented the law effectively. In October the government passed the Prevention of Corruption Act, which provides for the prevention, investigation, and prosecution of acts of corruption, and applies to persons in both the public and private sectors. There were no reports of government corruption during the year.

Section 5. Governmental Posture Towards International and Nongovernmental Investigation of Alleged Abuses of Human Rights

A variety of human rights groups generally operated without government restriction and were able to investigate and publish their findings on human rights cases. Government officials were generally cooperative and responsive to their views.

Government Human Rights Bodies: The Ombudsman's Office hears complaints against government ministries, departments, and other authorities for alleged injuries or injustices resulting from administrative conduct. The president appoints the ombudsman on the recommendation of the prime minister and in consultation with the opposition. Parliament must approve the appointment. The ombudsman was generally considered independent and effective, although there was a review underway on how to best evaluate ombudsman operations. The ombudsman submits annual reports to parliament that contain recommendations on changes to laws and descriptions of actions taken by the Ombudsman's Office. The ombudsman's most recent report to parliament was in 2019.

Section 6. Discrimination and Societal Abuses

Women

Rape and Domestic Violence: The law prohibits rape and applies to both men and women. The maximum penalty is life imprisonment, but judges have the discretion to impose shorter sentences.

The law prohibits domestic violence and protects all members of the family, including men and children. The law applies equally to marriages and to common-law relationships. The law empowers police to make an arrest after receiving a complaint, visiting the premises, and perceiving indications that a crime was committed. The government did not consistently enforce the law. Penalties for domestic violence depend on the severity of the charges and range from a fine for first-time offenders (unless the injury is serious) to the death penalty for cases in which the victim was killed. Survivors may request restraining orders, which the courts often issued. The courts may sentence an offender to jail for breaching such an order.

Sexual Harassment: The law prohibits sexual harassment in the workplace and establishes civil penalties. Media reports indicated that historically sexual harassment was a problem, but there were no reports of high-profile cases during the year.

Reproductive Rights: There were no reports of coerced abortion or involuntary

sterilization on the part of government authorities.

There were no legal barriers to accessing contraception, but some religious beliefs and cultural barriers limited its usage. The government provided access to sexual and reproductive health services for all persons who required it, including victims of sexual violence. The Barbados Family Planning Association offered emergency contraception to survivors of sexual violence, a service that was advertised publicly. The government also provided financial support to NGOs that assisted victims of sexual violence.

Discrimination: The law prohibits employment discrimination based on age, skin color, creed, disability, domestic partnership status, marital status, medical condition, physical features, political opinion, pregnancy, race, trade, sex, sexual orientation, social status, or union affiliation. The law provides the same legal status and rights for women and men. The government enforced the law effectively.

Women actively participated in all aspects of national life and were well represented at all levels of the public and private sectors, although some discrimination persisted, including in employment and occupation. The law does not mandate equal pay for equal work, and reports indicated women earned significantly less than men for comparable work. There are laws limiting types of work that women can do in factories.

Systemic Racial or Ethnic Violence and Discrimination

The country's charter and laws protect racial, ethnic, and minority groups from broad forms of discrimination. The country does not have a racially or ethnically diverse population. Approximately 91 percent of the population is Afro-Barbadian. The government does not consider systemic racial or ethnic discrimination to be a problem in the country. There were no reports of any systemic discrimination.

Children

Birth Registration: A child born in the country is a citizen by birth. There was universal birth registration, and all children are registered immediately after birth

without discrimination. An NGO reported that some foreign women had difficulty accessing health care and welfare services for their Barbados-born children after the women's relationship with their Barbadian partners ended.

Child Abuse: The law prohibits child abuse but does not prohibit corporal punishment of children. No law requires a person to report suspected child abuse, but the government encouraged the public to report cases where they believed abuse may have occurred.

Child abuse remained a problem. A human rights activist reported that when young girls went missing, the adults harboring them were not held accountable. The actions of the child are criminalized, and they are required, in some instances, to go before the court. The Child Care Board has a mandate for the care and protection of children, which involves investigating day-care centers, investigating allegations of child abuse or child labor, and providing counseling services, residential placement, and foster care.

In September local media reported on the findings of a government inquiry into operations at the Government Industrial School (GIS), a juvenile detention center. The recommendations included an end to corporal punishment at the facility and the decriminalization of "wandering," a charge that criminalizes children running away from home. The panel reported that GIS staff lacked the qualifications and expertise required to cater to the needs of youth at the center. The report noted that GIS management failed to put the appropriate mechanisms in place to provide staff with proper training. The panel called for juvenile legislation to be modernized. The chairman of the panel stated that proper disciplinary protocols were lacking at the center and recommended that corporal punishment be abolished at GIS. He noted the school was not in full compliance with UN rules relating to juveniles held in custody. Following the inquiry, a child justice consultant was hired to draft an operational manual for the institution.

Child, Early, and Forced Marriage: The legal minimum age for marriage is 18. Persons ages 16 and 17 may marry with parental consent.

Sexual Exploitation of Children: The law provides for the protection of children from sexual exploitation and abuse. Child pornography is illegal, and authorities

effectively enforced the law. Media reported the sentencing of a man, age 57, to seven years and 141 days in prison for raping a boy, filming the act, and collecting hundreds of pornographic images of the child.

The minimum age for consensual sex is 16.

Antisemitism

The Jewish community is estimated to be no larger than 60 persons. There were no reports of antisemitic acts.

Trafficking in Persons

See the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

Acts of Violence, Criminalization, and Other Abuses Based on Sexual Orientation, Gender Identity or Expression, or Sex Characteristics

Criminalization: The law criminalizes consensual same-sex sexual conduct between adults, with penalties for conviction up to life imprisonment for men, and up to 10 years' imprisonment for men and women convicted of "acts of serious indecency." There were no reports of the law being enforced during the year.

At year's end, a decision was pending in the High Court regarding a 2021 case brought by two individuals and the civil society organization Equals challenging the law.

Violence against LGBTQI+ Persons: An NGO reported that although lesbian, gay, bisexual, transgender, queer, and intersex (LGBTQI+) persons believed they were safe in their own neighborhoods, they actively avoided venturing into surrounding areas due to fear of violence and harassment. The NGO also noted that public transport was often also avoided for similar safety reasons. Some LGBTQI+ youth reportedly were financially cut off by family, forced to leave their homes, and became vulnerable to resorting to sex work for survival. An NGO reported a government official stated publicly that LGBTQI+ persons seeking

asylum in Canada were making false claims and tarnishing the name of the country.

Discrimination: An NGO reported that police did not take cases of violence against LGBTQI+ persons seriously and that victims, especially LGBTQI+ individuals, received harsh treatment from police.

Availability of Legal Gender Recognition: There is no legislation to allow transgender persons or gender-nonconforming individuals to legally change their gender.

Involuntary or Coercive Medical or Psychological Practices Specifically Targeting LGBTQI+ Individuals: There were no reports of involuntary or coercive medical or psychological practices specifically targeting LGBTQI+ individuals.

Restrictions of Freedom of Expression, Association, or Peaceful Assembly: There were no reports of restrictions on freedom of expression, association, or peaceful assembly regarding LGBTQI+ issues.

Persons with Disabilities

The Barbados Council for the Disabled and other NGOs reported that public transportation remained inaccessible to persons with disabilities. Many public areas lacked the ramps, railings, parking, and bathroom adjustments needed to accommodate persons with disabilities. Most new buildings had ramps, reserved parking, and accessible bathrooms. The council stated that disability benefits were available only for blind, visually impaired, or deaf persons, and that persons with other disabilities were ineligible.

In June the Barbados Council for the Disabled reported that many persons with disabilities regularly faced discrimination when attempting to obtain accommodation. Some landlords refused to rent their properties to persons with disabilities.

The law prohibits discrimination against persons with disabilities in employment, but it does not extend protection to education or other state services.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The law provides for the right of workers to form and join unions and conduct legal strikes but does not specifically recognize the right to bargain collectively. Moreover, the law does not obligate employers to recognize unions or to accept collective bargaining. Although employers were under no legal obligation to recognize unions, most major employers did so when more than 50 percent of the employees made a request. Companies were sometimes hesitant to engage in collective bargaining with a recognized union, but in most instances they eventually did so. Smaller companies often were not unionized.

The law prohibits antiunion discrimination and protects workers engaged in union activity. A tribunal may order reinstatement, rehiring, or compensation for antiunion discrimination. The law permits all private-sector employees to strike but prohibits strikes by workers in essential services such as police, firefighting, electricity, and water. Penalties were not commensurate with those for other laws involving denials of civil rights, such as discrimination. Generally, the government effectively enforced labor law in the formal sector. Penalties were sometimes applied against violators.

The law gives persons the right to have allegations of unfair dismissal tried before the Employment Rights Tribunal. The process often had lengthy delays.

A tripartite group of labor, management, and government representatives met regularly to discuss labor topics. The group dealt with social and economic problems, formulated legislative policy, and worked towards harmonious workplace relations.

b. Prohibition of Forced or Compulsory Labor

The constitution prohibits all forms of forced or compulsory labor. According to a union official, the government generally enforced related laws

c. Prohibition of Child Labor and Minimum Age for Employment

The law prohibits the worst forms of child labor. The law provides for a minimum working age of 16 in certain sectors but does not cover sectors such as agriculture or family businesses. The law prohibits children younger than 18 from engaging in work likely to harm their health, safety, or morals, but it does not specify which occupations fall under this prohibition. By law children ages 14-16 may engage in light work with parental consent. The law does not provide a list of occupations constituting light work. The law states that no child shall be allowed to work during school hours or between 6 p.m. and 7 a.m. in any occupation and provides for occupational safety and health restrictions for children. The minimum wage for employment applies to children working in all sectors. The government effectively enforced the law, and penalties were commensurate with those for analogous serious crimes. Penalties were sometimes applied against violators. There were no confirmed reports during the year of the worst forms of child labor.

d. Discrimination with Respect to Employment and Occupation

The law prohibits discrimination on grounds of age, skin color, creed, disability, domestic partnership status, marital status, medical condition, physical features, political opinion, pregnancy, race, trade, gender, sexual orientation, social status, or union affiliation. A union official said employment discrimination was not a serious concern (see section 6). The government generally enforced the law. Penalties for discrimination with respect to employment and occupation were commensurate with penalties related to other civil rights. Penalties were regularly applied to violators.

The law does not mandate equal pay for equal work, and reports indicated women earned significantly less than men for comparable work (see section 6). There are laws limiting types of work that women may do in factories, such as jobs that involve potential exposure to certain toxic compounds. The law does not explicitly protect workers from sexual harassment in the workplace.

e. Acceptable Conditions of Work

Wage and Hour Laws: There is a minimum wage for housekeepers and shop

assistants. There is no official poverty income level. The standard legal workweek is 40 hours in five days. The law provides employees with three weeks of paid vacation annually for persons with less than five years of service and four weeks of paid vacation annually after five years of service. The law requires overtime payment of time and a half for hours worked more than the legal standard and prescribes that all overtime must be voluntary. The law does not set a maximum number of overtime hours.

In 2021, the International Labor Organization (ILO) renewed its observation that a bilateral seasonal agricultural workers program was not consistent with obligations under the ILO Migration for Employment Convention, because it did not allow workers to choose how much of their savings they remit and to eliminate certain government fees.

Occupational Safety and Health: The government set occupational safety and health (OSH) standards that were current and appropriate for its industries. The Shaw Act seeks to secure the provisions of safety, health, and welfare for persons in the workplace as well as those external to the workplace who may be impacted by the activities that occur there. The act was amended in July to include additional regulations covering, noise, workstations, personal protective equipment, general duties, drinking water, sanitary conveniences, washing facilities, and fuel station medical supervision. The amendment also includes the employer in the list of persons who may be penalized for contravening the act.

The law provides for the right of workers to refuse dangerous work without jeopardy to their employment, and authorities generally protected employees in this situation. A labor union representative reported there were no formal complaints concerning hazardous or exploitative working conditions during the year, nor did the union receive complaints regarding workplace fatalities or accidents.

Wage, Hour, and OSH Enforcement: Labor inspectors were responsible for enforcing wage, overtime, and OSH regulations. Labor inspectors are required during an inspection to notify employers of their presence, except where the inspectors consider that such a notification would impinge on the performance of their duties. The law gives inspectors the power to initiate proceedings against

employers for any violation or offense. The number of labor inspectors was sufficient to enforce compliance with labor laws. Trade unions monitored safety problems to verify the enforcement of OSH regulations, as well as the correction of related problems by management.

Penalties for OSH violations are higher than penalties for analogous violations, such as negligence. They may include small fines, imprisonment for up to three months, or both. These penalties were inadequate to ensure compliance. Penalties were sometimes applied against violators.

Informal Sector: An Inter-American Development Bank study estimated the informal economy in the country at approximately 33 percent of total economic activity, with up to 40 percent of workers engaged in informal work. The informal economy was not subject to government labor or safety regulations. Informal workers may apply for public assistance or public housing but are not guaranteed any benefits.